

Agreements on Afghanistan



United States Department of State
Bureau of Public Affairs
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Following are texts of statements by President Reagan and Secretary Shultz and the agreements concerning Afghanistan that were signed in Geneva, Switzerland, on April 14, 1988.

PRESIDENT REAGAN, APRIL 11, 1988

I've just received a briefing from my national security advisers on the contents of the proposed Geneva agreements on Afghanistan that would provide for the complete withdrawal of Soviet occupation forces from that country. I believe the United States can now join the Soviet Union as a guarantor of the Geneva instruments. I've, therefore, asked Secretary Shultz to represent us at a signing ceremony for the historic accords as scheduled to take place in Geneva later this week.

This development would not have been possible had it not been for the valiant struggle of the Afghan people to rid their country of foreign occupation. We take great pride in having assisted the Afghan people in this triumph, and they can count on our continued support.

We also pledge our continued friendship and support to the Government and people of Pakistan who have so generously hosted millions of Afghan refugees during this period of Soviet domination of Afghanistan.

SECRETARY SHULTZ, APRIL 11, 1988

The President has just announced what is a major national and international success in bringing about the removal of Soviet forces from Afghanistan and setting the conditions for a return of refugees in dignity and safety and for the development of a government of Afghanistan under the wishes of the people of Afghanistan.

I want to pay special tribute, as did the President, for the tremendous fighting ability of the people of Afghanistan to stand up for their rights and for Pakistan, whose heroic support for the people of Afghanistan and for the refugees has been genuinely magnificent.

From our standpoint, our objectives consistently over the 8 years of Soviet occupation have been: prompt and complete withdrawal of all Soviet forces; restoration of Afghanistan to independent nonaligned status; self-determination for Afghans; return of the refugees in safety and honor. Those have been our objectives, and those objectives have been registered year after year in overwhelming votes in the General Assembly of the United Nations.

Let me just describe very briefly to you the Geneva accords so you know what we're talking about. There are four documents. Instrument one is an undertaking by Pakistan and Afghanistan to manage their relationship on the basis of established principles of noninterference and nonaggression.

Instrument number two is a statement that will be signed by the United States and the Soviet Union as guarantors to respect the sovereignty of Pakistan and Afghanistan and the commitments that the two nations make in the first accord.

The third instrument is one dealing with refugees—their voluntary return and guarantees of their rights to full participation in the affairs of Afghanistan.

And instrument four, signed by Afghanistan and Pakistan and witnessed by the United States and the Soviet Union, is a statement of interrelationships that ties all of these together and provides for the Soviets to begin a phased troop withdrawal beginning on May 15th to withdraw 50% of their troops in the first 3 months—in other words, front-end loaded—and to complete the withdrawal of all troops by February 15, 1989.

I might say that when [Soviet] Foreign Minister Shevardnadze was here and we discussed this matter, he informed us that they expect to have completed this troop withdrawal by the end of 1988, and we will push for that and expect that.

I might say that this timetable has been negotiated down by Pakistan in a very strong way. Not long ago, it was a 4-year timetable, and now you see we're down to about 7½ months, in effect. So it's a reasonable timetable.

Now, as far as the U.S. commitments are concerned, we have insisted that before we would be a guarantor, that the obligations of guarantors must be symmetrical. Our preferred means was a statement on the part of ourselves and the Soviet Union that we each have the right to supply our friends in Afghanistan, but that we would have a moratorium on further supplies for a specified period of time. They haven't chosen to go along with that idea, and so we assert confidently our right to supply our friends in Afghanistan as we see the need to do so. Our sense of the need will be affected by whatever restraint we see on the part of the Soviets. I might say that we're confident that if we—as we do resupply, we will be able to do that.

Pakistan is basically the architect of these accords. They have bargained them out. I again salute them. They have been subjected to bombings, aircraft have violated their borders and their territory, and terrorists have operated in their cities. One-sixth of the internationally originating terrorist incidents last year occurred in Pakistan. So you see, their role in supporting the people of Afghanistan and making a home for the refugees has also been accompanied by a considerable stress, and they have stood up to that and deserve our admiration, and I'd say, particularly, President Zia and Prime Minister Junejo.

They have given their view that these accords are good. They have asked us to be a guarantor. So just as we have supported their efforts to shore up the resistance, we support this diplomatic move for early Soviet withdrawal.

As to the future, first of all, the withdrawal of Soviet troops is obviously not the end of the matter. Mr. Cordovez, the UN negotiator—in his personal capacity, has agreed to continue on as mediator, seeking an interim government, and we will fully support his efforts.

Undoubtedly, there will be a massive movement of refugees from outside Afghanistan into Afghanistan—by the millions—so there will be immense social dislocation and potential for suffering. We and others in the international community will want to do everything we can to ease that transition. We have urged the appointment of a special UN coordinator to oversee this effort, and no doubt, the UN High Commissioner for Refugees will be strongly involved in it.

I might say that in our view, the Soviet Union, having inflicted so much suffering on the Afghan people, has a special obligation to provide resources for this resettlement.

We have stood by the Afghan people during these 8½ years, and we're prepared to stand by them in the coming months, to help Afghans return home and begin to rebuild their lives and their country.

U.S. STATEMENT, APRIL 14, 1988

This official U.S. statement of April 14, 1988, was transmitted by Secretary Shultz to UN Secretary General Perez de Cuellar and circulated to the other parties by the United Nations in connection with signature of the Geneva instruments.

The United States has agreed to act as a guarantor of the political settlement of the situation relating to Afghanistan. We believe this settlement is a major step forward in restoring peace to Afghanistan, in ending the bloodshed in that unfortunate country, and in enabling millions of Afghan refugees to return to their homes.

In agreeing to act as a guarantor, the United States states the following:

(1) The troop withdrawal obligations set out in paragraphs 5 and 6 of the instrument on interrelationships are central to the entire settlement. Compliance with those obligations is essential to achievement of the settlement's purposes, namely, the ending of foreign intervention in Afghanistan and the restoration of the rights of the Afghan people through the exercise of self-determination as called for by the United Nations Charter and the United Nations General Assembly resolutions on Afghanistan.

(2) The obligations undertaken by the guarantors are symmetrical. In this regard, the United States has advised the Soviet Union that the U.S. retains the right, consistent with its obligations as guarantor, to provide military assistance to parties in Afghanistan. Should the Soviet Union exercise restraint in providing military assistance to parties in Afghanistan, the U.S. similarly will exercise restraint.

(3) By acting as a guarantor of the settlement, the United States does not intend to imply in any respect recognition of the present regime in Kabul as the lawful government of Afghanistan.

SECRETARY SHULTZ, GENEVA, APRIL 14, 1988

History has been made today. For over 8 years, the Afghan people have suffered a brutal war that has brought unmeasurable death, dislocation, and destruction. The world community has long sought to remove the cause of this agony—the Soviet military occupation of Afghanistan. This effort has succeeded, and the Soviet Union is now committed to firm dates to commence and complete the withdrawal of its forces.

This achievement reflects, first and foremost, the courage and determination of the Afghan people, who have paid a very heavy price to recover their national independence. In this cause nearly 1 million precious lives have been sacrificed, and many millions of Afghans have spent years in exile.

But their accomplishment will enhance the security of all peoples, for their epic struggle is a timely reminder that a major power cannot impose its will by force of arms on even the smallest country when its citizens are united in their resistance. The stage has now been set for the Afghan people to determine their own future, free of Soviet forces, and for the refugees to return to their homes. It will be important for all concerned to assist the Afghans in their efforts to establish a government which reflects the will of the Afghan people. The present regime in Kabul does not do so, and we cannot regard it as legitimate.

On this day, we applaud the constancy of Pakistan in support of the Afghan cause. It has generously hosted millions of Afghan refugees on its territory; it has looked after their needs and provided them essential support—often in the face of coercive threats, military incursions, and terrorist acts—and it has vigorously and diligently pursued peace at the Geneva talks. I offer my congratulations to the Pakistani people, to President Zia, to Prime Minister Junejo, and to Minister of State Noorani for their part in this great achievement. It is a tribute to Pakistan's dedication, courage, and resolve.

For the community of nations, today's accomplishment demonstrates that concerted action can achieve results. The repeated calls of the UN General Assembly for Soviet withdrawal and the astute and persistent efforts of the Secretary General of the United Na-

tions and his personal representative have borne fruit. Once again, the importance of the United Nations and of the principles of the Charter in the settlement of international disputes has been reaffirmed. I want particularly to commend the patience and perseverance of Diego Cordovez. As the personal representative of the Secretary General, he has played a central role in this negotiation.

We also welcome the decisions of the Soviet leadership, which have contributed to this achievement. The presence of Soviet forces in Afghanistan has been an affront to the world community and a major burden to Soviet-American relations. The faithful implementation of the withdrawal commitment embodied in the accords signed today will do much to improve the atmosphere for our bilateral relations and for the resolution of other regional conflicts.

The United States has associated itself with this settlement because we believe it will open the way to the restoration of Afghan control over Afghanistan. We have supported the Afghan cause with determination, and we will continue to do so. We will maintain our humanitarian aid to the Afghans. And we will do what we can to contribute to reconciliation and reconstruction in Afghanistan.

It is our hope that the Soviet Union will contribute to this process by ending the flow of arms to its client regime in Kabul. But we have made clear to Soviet leaders that, consistent with our obligations as guarantor, it is our right to provide military aid to the resistance. We are ready to exercise that right, but we are prepared to meet the restraint with restraint.

Today we have taken the first step toward a more secure future for the Afghan people. But much remains to be done, and we cannot rest until the promises of this day are fully realized. First, Soviet forces must withdraw completely. Second, all concerned must make a major effort to facilitate resettlement and reconstruction. And at the same time, a government that legitimately reflects the will of the Afghan people must be established.

Today's promise must become tomorrow's success. In collaboration with the agencies of the United Nations and the many friends of Afghanistan, we are ready to do our part.

TEXT OF AGREEMENTS, APRIL 14, 1988

BILATERAL AGREEMENT BETWEEN THE REPUBLIC OF AFGHANISTAN AND THE ISLAMIC REPUBLIC OF PAKISTAN ON THE PRINCIPLES OF MUTUAL RELATIONS, IN PARTICULAR ON NON-INTERFERENCE AND NON- INTERVENTION

The Republic of Afghanistan and the Islamic Republic of Pakistan, hereinafter referred to as the High Contracting Parties,

Desiring to normalize relations and promote good-neighbourliness and co-operation as well as to strengthen international peace and security in the region,

Considering that full observance of the principle of non-interference and non-intervention in the internal and external affairs of States is of the greatest importance for the maintenance of international peace and security and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Reaffirming the inalienable right of States freely to determine their own political, economic, cultural and social systems in accordance with the will of their peoples, without outside intervention, interference, subversion, coercion or threat in any form whatsoever,

Mindful of the provisions of the Charter of the United Nations as well as the resolutions adopted by the United Nations on the principle of non-interference and non-intervention, in particular the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, of 24 October 1970, as well as the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, of 9 December 1981,

Have agreed as follows:

ARTICLE I

Relations between the High Contracting Parties shall be conducted in strict compliance with the principle of non-interference and non-intervention by States in the affairs of other States.

ARTICLE II

For the purpose of implementing the principle of non-interference and non-intervention each High Contracting Party undertakes to comply with the following obligations:

(1) to respect the sovereignty, political independence, territorial integrity, national unity, security and non-alignment of the other High Contracting Party, as well as the national identity and cultural heritage of its people;

(2) to respect the sovereign and inalienable right of the other High Contracting Party freely to determine its own political, economic, cultural and social systems, to develop its international relations and to exercise permanent sovereignty over its natural resources, in accordance with the will of its people, and without outside intervention, interference, subversion, coercion or threat in any form whatsoever;

(3) to refrain from the threat or use of force in any form whatsoever so as not to violate the boundaries of each other, to disrupt the political, social or economic order of the other High Contracting Party, to overthrow or change the political system of the other High Contracting Party or its Government, or to cause tension between the High Contracting Parties;

(4) to ensure that its territory is not used in any manner which would violate the sovereignty, political independence, territorial integrity and national unity or disrupt the political, economic and social stability of the other High Contracting Party;

(5) to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert, directed at the other High Contracting Party, or any act of military, political or economic interference in the internal affairs of the other High Contracting Party, including acts of reprisal involving the use of force;

(6) to refrain from any action or attempt in whatever form or under whatever pretext to destabilize or to undermine the stability of the other High Contracting Party or any of its institutions;

(7) to refrain from the promotion, encouragement or support, direct or indirect, of rebellious or secessionist activities against the other High Contracting Party, under any pretext whatsoever, or from any other action which seeks to disrupt the unity or to undermine or subvert the political order of the other High Contracting Party;

(8) to prevent within its territory the training, equipping, financing and recruitment of mercenaries from what-

ever origin for the purpose of hostile activities against the other High Contracting Party, or the sending of such mercenaries into the territory of the other High Contracting Party and accordingly to deny facilities, including financing for the training, equipping and transit of such mercenaries;

(9) to refrain from making any agreements or arrangements with other States designed to intervene or interfere in the internal and external affairs of the other High Contracting Party;

(10) to abstain from any defamatory campaign, vilification or hostile propaganda for the purpose of intervening or interfering in the internal affairs of the other High Contracting Party;

(11) to prevent any assistance to or use of or tolerance of terrorist groups, saboteurs or subversive agents against the other High Contracting Party;

(12) to prevent within its territory the presence, harbouring, in camps and bases or otherwise, organizing, training, financing, equipping and arming of individuals and political, ethnic and any other groups for the purpose of creating subversion, disorder or unrest in the territory of the other High Contracting Party and accordingly also to prevent the use of mass media and the transportation of arms, ammunition and equipment by such individuals and groups;

(13) not to resort to or to allow any other action that could be considered as interference or intervention.

ARTICLE III

The present Agreement shall enter into force on 15 May 1988.

ARTICLE IV

Any steps that may be required in order to enable the High Contracting Parties to comply with the provisions of Article II of this Agreement shall be completed by the date on which this Agreement enters into force.

ARTICLE V

This Agreement is drawn up in the English, Pashtu and Urdu languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

Done in five original copies at Geneva this fourteenth day of April 1988.*

FOR THE GOVERNMENT OF THE REPUBLIC OF AFGHANISTAN

ABDUL WAKIL
[Minister of
Foreign Affairs]

FOR THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF PAKISTAN

ZAIN NOORANI
[Minister of State
for Foreign Affairs]

Declaration on International Guarantees

The Governments of the United States of America and of the Union of Soviet Socialist Republics,

Expressing support that the Republic of Afghanistan and the Islamic Republic of Pakistan have concluded a negotiated political settlement designed to normalize relations and promote good-neighbourliness between the two countries as well as to strengthen international peace and security in the region;

Wishing in turn to contribute to the achievement of the objectives that the Republic of Afghanistan and the Islamic Republic of Pakistan have set themselves, and with a view to ensuring respect for their sovereignty, independence, territorial integrity and non-alignment;

Undertake to invariably refrain from any form of interference and intervention in the internal affairs of the Republic of Afghanistan and the Islamic Republic of Pakistan and to respect the commitments contained in the bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, in particular on Non-Interference and Non-Intervention;

*Separate signature pages were used for this instrument.

Urge all States to act likewise.

The present Declaration shall enter into force on 15 May 1988.

Done at Geneva, this fourteenth day of April 1988 in five original copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

GEORGE P. SHULTZ

FOR THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS

EDUARD SHEVARNADZE

Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary Return of Refugees

The Republic of Afghanistan and the Islamic Republic of Pakistan, hereinafter referred to as the High Contracting Parties,

Desiring to normalize relations and promote good-neighbourliness and co-operation as well as to strengthen international peace and security in the region,

Convinced that voluntary and unimpeded repatriation constitutes the most appropriate solution for the problem of Afghan refugees present in the Islamic Republic of Pakistan and having ascertained that the arrangements for the return of the Afghan refugees are satisfactory to them,

Have agreed as follows:

ARTICLE I

All Afghan refugees temporarily present in the territory of the Islamic Republic of Pakistan shall be given the opportunity to return voluntarily to their homeland in accordance with the arrangements and conditions set out in the present Agreement.

ARTICLE II

The Government of the Republic of Afghanistan shall take all necessary measures to ensure the following conditions for the voluntary return of Afghan refugees to their homeland:

(a) All refugees shall be allowed to return in freedom to their homeland;

(b) All returnees shall enjoy the free choice of domicile and freedom of movement within the Republic of Afghanistan;

(c) All returnees shall enjoy the right to work, to adequate living conditions and to share in the welfare of the State;

(d) All returnees shall enjoy the right to participate on an equal basis in the civic affairs of the Republic of Afghanistan. They shall be ensured equal benefits from the solution of the land question on the basis of the Land and Water Reform;

(e) All returnees shall enjoy the same rights and privileges, including freedom of religion, and have the same obligations and responsibilities as any other citizens of the Republic of Afghanistan without discrimination.

The Government of the Republic of Afghanistan undertakes to implement these measures and to provide, within its possibilities, all necessary assistance in the process of repatriation.

ARTICLE III

The Government of the Islamic Republic of Pakistan shall facilitate the voluntary, orderly and peaceful repatriation of all Afghan refugees staying within its territory and undertake to provide, within its possibilities, all necessary assistance in the process of repatriation.

ARTICLE IV

For the purpose of organising, coordinating and supervising the operations which should effect the voluntary, orderly and peaceful repatriation of Afghan refugees, there shall be set up mixed commissions in accordance with the established international practice. For the performance of their functions the members of the commissions and their staff shall be accorded the necessary facilities, and have access to the relevant areas within the territories of the High Contracting Parties.

ARTICLE V

With a view to the orderly movement of the returnees, the commissions shall determine frontier crossing points and establish necessary transit centres. They shall also establish all other modalities for the phased return of refugees, including registration and communication to the country of return of the names of refugees who express the wish to return.

ARTICLE VI

At the request of the Governments concerned, the United Nations High Commissioner for Refugees will cooperate and provide assistance in the process of voluntary repatriation of refugees in accordance with the present Agreement. Special agreements may be concluded for this purpose between UNHCR and the High Contracting Parties.

ARTICLE VII

The present Agreement shall enter into force on 15 May 1988. At that time the mixed commissions provided in Article IV shall be established and the operations for the voluntary return of refugees under this Agreement shall commence.

The arrangements set out in Articles IV and V above shall remain in effect for a period of eighteen months. After that period the High Contracting Parties shall review the results of the repatriation and, if necessary, consider any further arrangements that may be called for.

ARTICLE VIII

This Agreement is drawn up in the English, Pashtu, and Urdu languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

Done in five original copies at Geneva this fourteenth day of April 1988.*

FOR THE GOVERNMENT OF THE REPUBLIC OF AFGHANISTAN

ABDUL WAKIL

FOR THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF PAKISTAN

ZAIN NOORANI

Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan

1. The diplomatic process initiated by the Secretary-General of the United Nations with the support of all Governments concerned and aimed at achieving, through negotiations, a political settlement of the situation relating to Afghanistan has been successfully brought to an end.

*Separate signature pages were used for this instrument.

2. Having agreed to work towards a comprehensive settlement designed to resolve the various issues involved and to establish a framework for good-neighbourliness and co-operation, the Government of the Republic of Afghanistan and the Government of the Islamic Republic of Pakistan entered into negotiations through the intermediary of the Personal Representative of the Secretary-General at Geneva from 16 to 24 June 1982. Following consultations held by the Personal Representative in Islamabad, Kabul and Teheran from 21 January to 7 February 1983, the negotiations continued at Geneva from 11 to 22 April and from 12 to 24 June 1983. The Personal Representative again visited the area for high level discussions from 3 to 15 April 1984. It was then agreed to change the format of the negotiations and, in pursuance thereof, proximity talks through the intermediary of the Personal Representative were held at Geneva from 24 to 30 August 1984. Another visit to the area by the Personal Representative from 25 to 31 May 1985 preceded further rounds of proximity talks held at Geneva from 20 to 25 June, from 27 to 30 August and from 16 to 19 December 1985. The Personal Representative paid an additional visit to the area from 8 to 18 March 1986 for consultations. The final round of negotiations began as proximity talks at Geneva on 5 May 1986, was suspended on 23 May 1986, and was resumed from 31 July to 8 August 1986. The Personal Representative visited the area from 20 November to 3 December 1986 for further consultations and the talks at Geneva were resumed again from 25 February to 9 March 1987, and from 7 to 11 September 1987. The Personal Representative again visited the area from 18 January to 9 February 1988 and the talks resumed at Geneva from 2 March to 8 April 1988. The format of the negotiations was changed on 14 April 1988, when the instruments comprising the settlement were finalized, and, accordingly, direct talks were held at that stage. The Government of the Islamic Republic of Iran was kept informed of the progress of the negotiations throughout the diplomatic process.

3. The Government of the Republic of Afghanistan and the Government of the Islamic Republic of Pakistan took part in the negotiations with the expressed conviction that they were acting in accordance with their rights and obligations under the Charter of the United Nations and agreed that the

political settlement should be based on the following principles of international law:

- The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

- The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

- The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations;

- The duty of States to co-operate with one another in accordance with the Charter of the United Nations;

- The principle of equal rights and self-determination of peoples;

- The principle of sovereign equality of States;

- The principle that States shall fulfill in good faith the obligations assumed by them in accordance with the Charter of the United Nations.

The two Governments further affirmed the right of the Afghan refugees to return to their homeland in a voluntary and unimpeded manner.

4. The following instruments were concluded on this date as component parts of the political settlement:

A Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, in particular on Non-interference and Non-intervention;

A Declaration on International Guarantees by the United States of America and the Union of Soviet Socialist Republics;

A Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary Return of Refugees;

The present Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan.

5. The Bilateral Agreement on the Principles of Mutual Relations, in particular on Non-interference and Non-intervention; the Declaration on International Guarantees; the Bilateral Agreement on the Voluntary Return of Refugees; and the present Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan will enter into force on 15

May 1988. In accordance with the timeframe agreed upon between the Republic of Afghanistan and the Union of Soviet Socialist Republics there will be a phased withdrawal of the foreign troops which will start on the date of entry into force mentioned above. One half of the troops will be withdrawn by 15 August 1988 and the withdrawal of all troops will be completed within nine months.

6. The interrelationships in paragraph 5 above have been agreed upon in order to achieve effectively the purpose of the political settlement, namely, that as from 15 May 1988, there will be no interference and intervention in any form in the affairs of the Parties; the international guarantees will be in operation; the voluntary return of the refugees to their homeland will start and be completed within the timeframe specified in the agreement on the voluntary return of the refugees; and the phased withdrawal of the foreign troops will start and be completed within the timeframe envisaged in paragraph 5. It is therefore essential that all the obligations deriving from the instruments concluded as component parts of the settlement be strictly fulfilled and that all the steps required to ensure full compliance with all the provisions of the instruments be completed in good faith.

7. To consider alleged violations and to work out prompt and mutually satisfactory solutions to questions that may arise in the implementation of the instruments comprising the settlement, representatives of the Republic of Afghanistan and the Islamic Republic of Pakistan shall meet whenever required.

A representative of the Secretary-General of the United Nations shall lend his good offices to the Parties and in that context he will assist in the organization of the meetings and participate in them. He may submit to the Parties for their consideration and approval suggestions and recommendations for prompt, faithful and complete observance of the provisions of the instruments.

In order to enable him to fulfill his tasks, the representative shall be assisted by such personnel under his authority as required. On his own initiative, or at the request of any of the Parties, the personnel shall investigate any possible violations of any of the provisions of the instruments and

prepare a report thereon. For that purpose, the representative and his personnel shall receive all the necessary co-operation from the Parties, including all freedom of movement within their respective territories required for effective investigation. Any report submitted by the representative to the two Governments shall be considered in a meeting of the Parties no later than forty-eight hours after it has been submitted.

The modalities and logistical arrangements for the work of the representative and the personnel under his authority as agreed upon with the Parties are set out in the Memorandum of Understanding which is annexed to and is part of this Agreement.

8. The present instrument will be registered with the Secretary-General of the United Nations. It has been examined by the representatives of the Parties to the bilateral agreements and of the States-Guarantors, who have signified their consent with its provisions. The representatives of the Parties, being duly authorized thereto by their respective Governments, have affixed their signatures hereunder. The Secretary-General of the United Nations was present.

Done, at Geneva, this fourteenth day of April 1988, in five original copies each in the English, Pashtu, Urdu, and Russian languages, all being equally authentic. In case of any dispute regarding the interpretation the English text shall prevail.*

FOR THE GOVERNMENT OF THE
REPUBLIC OF AFGHANISTAN

ABDUL WAKIL

FOR THE GOVERNMENT OF THE
ISLAMIC REPUBLIC OF PAKISTAN

ZAIN NOORANI

In witness thereof, the representatives of the States-Guarantors affixed their signatures hereunder:

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

GEORGE P. SHULTZ

FOR THE GOVERNMENT OF THE
UNION OF SOVIET SOCIALIST
REPUBLICS

EDUARD SHEVARDNADE

*Separate signature pages were used for this instrument.

ANNEX

Memorandum of Understanding

I. Basic requirements

(a) The Parties will provide full support and co-operation to the Representative of the Secretary-General and to all the personnel assigned to assist him;

(b) The Representative of the Secretary-General and his personnel will be accorded every facility as well as prompt and effective assistance, including freedom of movement and communications, accommodation, transportation and other facilities that may be necessary for the performance of their tasks. Afghanistan and Pakistan undertake to grant to the Representative and his staff all the relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations.

(c) Afghanistan and Pakistan will be responsible for the safety of the Representative of the Secretary-General and his personnel while operating in their respective countries.

(d) In performing their functions, the Representative of the Secretary-General and his staff will act with complete impartiality. The Representative of the Secretary-General and his personnel must not interfere in the internal affairs of Afghanistan and Pakistan and, in this context, cannot be used to secure advantages for any of the Parties concerned.

II. Mandate

The mandate for the implementation-assistance arrangements envisaged in paragraph 7 derives from the instruments comprising the settlement. All the staff assigned to the Representative of the Secretary-General will accordingly be carefully briefed on the relevant provisions of the instruments and on the procedures that will be used to ascertain violations thereof.

III. Modus operandi and personnel organization

The Secretary-General will appoint a senior military officer as Deputy to the Representative, who will be stationed in the area, as head of two small head-

quarters units, one in Kabul and the other in Islamabad, each comprising five military officers, drawn from existing United Nations operations, and a small civilian auxiliary staff.

The Deputy to the Representative of the Secretary-General will act on behalf of the Representative and be in contact with the Parties through the Liaison Officer each Party will designate for this purpose.

The two headquarters units will be organized into two Inspection Teams to ascertain on the ground any violation of the instruments comprising the settlement. Whenever considered necessary by the Representative of the Secretary-General or his Deputy, up to 40 additional military officers (some 10 additional Inspection Teams) will be redeployed from existing operations within the shortest possible time (normally around 48 hours).

The nationalities of all the Officers will be determined in consultation with the Parties.

Whenever necessary the Representative of the Secretary-General, who will periodically visit the area for consultations with the Parties and to review the work of his personnel, will also assign to the area members of his own Office and other civilian personnel from the United Nations Secretariat as may be needed. His Deputy will alternate between the two headquarters units and will remain at all times in close communication with him.

IV. Procedure

(a) Inspections conducted at the request of the Parties

(i) A complaint regarding a violation of the instruments of the settlement lodged by any of the Parties should be submitted in writing, in the English language, to the respective headquarters units and should indicate all relevant information and details.

(ii) Upon receipt of a complaint the Deputy to the Representative of the Secretary-General will immediately inform the other Party of the complaint

and undertake an investigation by making on-site inspections, gathering testimony and using any other procedure which he may deem necessary for the investigation of the alleged violation. Such inspection will be conducted using headquarters staff as referred to above, unless the Deputy Representative of the Secretary-General considers that additional teams are needed. In that case, the Parties will, under the principle of freedom of movement, allow immediate access of the additional personnel to their respective territories.

(iii) Reports on investigations will be prepared in English and submitted by the Deputy Representative of the Secretary-General to the two Governments, on a confidential basis. (A third copy of the Report will be simultaneously transmitted, on a confidential basis, to United Nations Headquarters in New York, exclusively for the information of the Secretary-General and his Representative.) In accordance with paragraph 7 a report on an investigation should be considered in a meeting of the Parties not later than 48 hours after it has been submitted. The Deputy Representative of the Secretary-General will, in the absence of the Representative, lend his good offices to the Parties and in that context he will assist in the organization of the meetings and participate in them. In the context of those meetings the Deputy Representative of the Secretary-General may submit to the Parties for their consideration and approval suggestions and recommendations for the prompt, faithful and complete observance of the provisions of the instruments. (Such suggestions and recommendations will be, as a matter of course, consulted with, and cleared by the Representative of the Secretary-General.)

(b) Inspections conducted on the initiative of the Deputy Representative of the Secretary-General

In addition to inspections requested by the Parties, the Deputy Representative of the Secretary-General may carry out on his own initiative and in consultation with the Representative inspections he deems appropriate for the purpose of the implementation of paragraph 7. If it is considered that the conclusions

reached in an inspection justify a report to the Parties, the same procedure used in submitting reports in connection with inspections carried out at the request of the Parties will be followed.

Level of participation in meetings

As indicated above, the Deputy Representative of the Secretary-General will participate at meetings of the Parties convened for the purpose of considering reports on violations. Should the Parties decide to meet for the purpose outlined in paragraph 7 at a high political level, the Representative of the Secretary-General will personally attend such meetings.

V. Duration

The Deputy to the Representative of the Secretary-General and the other personnel will be established in the area not later than twenty days before the entry into force of the instruments. The arrangements will cease to exist two months after the completion of all timeframes envisaged for the implementation of the instruments.

VI. Financing

The cost of all facilities and services to be provided by the Parties will be borne by the respective Governments.

The salaries and travel expenses of the personnel to and from the area, as well as the costs of the local personnel assigned to the headquarters units, will be defrayed by the United Nations.

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